REMARKS

This Amendment is in response to the Office Action mailed October 4, 2005. In the Office Action, claims 1-3, 6-7 and 9-23 were rejected under 35 U.S.C. §102(e). Claims 4-5 and 8 were rejected under 35 U.S.C. §103(a). Claims 1, 6, 15, 18 and 22 have been amended. Paragraphs [0004] and [0024] within the specification have been amended to correct typographical errors. No substantive new matter has been added by the amendments to these paragraphs. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-3 and 22-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee (U.S. Patent No. 6,828,848). Moreover, claims 6-7 and 9-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Cline (U.S. Pub. No. 2002/0087896A1). Applicants respectfully request the Examiner to withdraw the rejection because a *prima facie* case of anticipation can not been maintained for independent claims 1, 6, 15, 18 and 22 as claimed.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

For instance, with respect to independent claim 1, Lee does not teach a second circuit that is coupled to the first circuit and increases a clock period of a clock coupled to the processor over a predetermined number of clock cycles if the first circuit detects that the power supply voltage is less than a reference voltage. The predetermined number of clock cycles does not reduce an operating frequency of the processor so as to exceed a frequency guard band.

Similarly, with respect to independent claim 22, Lee does not teach an operation of decreasing the period of the clock to compensate for the increase in clock periods where the decreasing of the period of the clock is less than a frequency guard band for the processor.

With respect to independent claim 6, Cline does not teach "n" registers coupled to the m registers, wherein "n" is an integer greater than two, the n registers having rise and fall settings that allow the clock to recover the period increases from the m registers and a total decrease in clock period caused by the rise and fall settings of the n registers is less than a frequency guard band.

With respect to independent claims 15 and 18, Cline does not teach a "means for stretching a clock period after detecting the voltage droop *where the stretching of the clock period does not exceed an established frequency guard band* nor an operation of adjusting the rise and fall edge delays of the clock *so that a total reduction of a period of the clock does not exceed a frequency guard band of the integrated circuit. Emphasis added.*

In light of the foregoing, Applicants respectfully request that the outstanding §102(e) rejections be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 5-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee and claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cline. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D*

1596 (Fed. Cir. 1988). Herein, Applicants respectfully submit that the neither of the cited references describe or suggest all the claim limitations.

Moreover, with respect to claim 8 and the limitation associated with rise and fall settings being less than the frequency guard band, Applicants respectfully traverse the rejection because Cline does not constitute a prior art reference under 35 U.S.C. §103(a) because 35 U.S.C. §103(c) excludes references which may qualify as prior art under 35 U.S.C. §102(e), (f), and (g) from being used as a prior art reference under 35 U.S.C. §103(a). The text of 35 U.S.C. §103(c) recites that "[s]ubject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." *See 35 U.S.C. §103(c), MPEP 706.02(l)(1).*

Herein, Cline is a U.S. patent assigned to Intel Corporation and the assignment was recorded in March 2001 by the USPTO (Reel 11720/Frame 0388). The subject application was filed on July 25, 2003 and also assigned to Intel Corporation (Reel 014359/Frame 0334). Hence, the subject matter (Cline) and the claimed invention were, at the time the invention was made, owned by Intel Corporation or subject to an obligation of assignment to Intel Corporation.

Therefore, Applicants respectfully request that the Examiner withdraw this outstanding §103(a) rejection as applied to claim 8.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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